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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DAVID HAKIM, an individual; SAN
 JULIAN DISCOUNT MART, INC., a
 California Corporation, f/b/n MURANO
 HOME FURNISHING; and MYBECCA,
 INC., a California Corporation,

Plaintiffs/Counterdefendants,

vs.

MURANO, INC., a California
 Corporation, a/k/a URBAN MALL;
 MURANO SHADES, INC., a California
 Corporation; MURANO WORLD
 IMPORTS, a business of unknown
 formation; BAHRAM DADBIN, a/k/a
 DANNY DADBIN, a/k/a DANNY
 MURANO, an individual; JASON
 DADBIN, an individual; JOSHUA
 DADBIN, an individual; and DOES 1
 through 20, inclusive,

Defendants/Counterclaimants.

Case No.: 2:15-cv-05633-JVS-PLA

UNOPPOSED NOTICE OF MOTION
 FOR DISMISSAL AND MOTION
 FOR VOLUNTARY DISMISSAL
 PURSUANT TO FED. R. 41(a)(2) OF
 2ND AMENDED COUNTERCLAIMS
 OF DADBIN BAHRAM WITH
 PREJUDICE AND PROPOSED
 ORDER TO DISMISS and
 DECLARATION OF ATTORNEY
 JEFFERY K. SPELLERBERG

Date: Nov 24, 2021

Time: 1:30

Courtroom: Hon. James V. Selna

Trial Date: None

NOTICE IS HEREBY GIVEN TO ALL PARTIES that Appellee/
 Defendant/Counterclaimant Bahram Dadbin hereby MOVES THIS COURT to allow
 the unopposed voluntary dismissal of the Second Amended Counterclaim of

VOLUNTARY DISMISSAL of COUNTERCLAIM PURSUANT TO FED. R. 41(a)(2)

1 Counterclaimant Bahram Dadbin against the Counterdefendants David Hakim, San
 2 Julian Discount Mart Inc., f/b/n Murano Home Furnishing and Mybecca Inc
 3 (Doc_81). This Motion is brought pursuant to Fed.R.Civ.Pro 41(a)(2) which states
 4 that:

5 Except as provided in Rule 41(a)(1), an action may be dismissed at the
 6 plaintiff's request only by court order, on terms that the court considers proper. If a
 7 defendant has pleaded a counterclaim before being served with the plaintiff's motion
 8 to dismiss, the action may be dismissed over the defendant's objection only if the
 9 counterclaim can remain pending for independent adjudication. Unless the order
 10 states otherwise, a dismissal under this paragraph (2) is without prejudice.

11 WHEREAS BEFORE the 9th Circuit Court of Appeals, the
 12 Appellee/Defendant/ Counterclaimant Bahram Dadbin, acting through counsel,
 13 stipulated to dismiss his counterclaims with prejudice before the 9th Circuit Court of
 14 Appeals, over no objection by Appellants, and further, thereupon the Appellate Court
 15 in Memorandum Dkt. 103.1 (Doc 254), affirmed the dismissal of the Plaintiffs
 16 Counterclaim with prejudice, and thereupon ordered the Appellee/Defendants/
 17 Counterclaimants to file a dismissal with Prejudice in the District Court.

18 Counsel for Counterclaimant has discussed this Motion and the accompanying
 19 Proposed Order with opposing counsel for the Counterdefendants, who stated he will
 20 not oppose either the Motion or the Proposed Order. (See Decl. Par 2).

21 Therefore, the Defendant/Counterclaimant Bahram Dadbin, pursuant to
 22 Federal Rule of Civil Procedure 41(a)(2), moves the court to order the voluntarily
 23 dismissal with prejudice the Second Amended Counterclaim of Counterclaimant
 24 Bahram Dadbin against the Counterdefendants David Hakim, San Julian Discount
 25 Mart Inc., f/b/n Murano Home Furnishing and Mybecca Inc (Doc_81).

26 Executed on October 22, 2021, at Knoxville, Tennessee.

27 LAW OFFICES OF JEFF SPELLERBERG

28 By: /s/Jeffery K. Spellerberg
 JEFFERY K. SPELLERBERG
 Attorney for Defendants/Cross-claimants

VOLUNTARY DISMISSAL of COUNTERCLAIM PURSUANT TO FED. R. 41(a)(2)

PROOF OF SERVICE

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT CALIFORNIA

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is Law Offices of Jeffery Spellerberg c/o 1734 Hope Street, South Pasadena California 91030

On October 22, 2021, I served the following document(s) described as UNOPPOSED NOTICE OF MOTION FOR DISMISSAL AND MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FED. R. 41(a)(2) OF 2ND AMENDED COUNTERCLAIMS OF DADBİN BAHRAM WITH PREJUDICE AND PROPOSED ORDER TO DISMISS, PROPOSED ORDER and DECLARATION OF ATTORNEY JEFFERY K. SPELLERBERG

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Darius Adli Adli Law Group, PC 444 South Flower St., Suite 3100 Los Angeles, California 90071 Drew.sherman@adlilaw.com <i>Counsel for Plaintiffs</i>	
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☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the documents to be sent to the persons at the electronic notification addresses listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 22, 2021, at Knoxville, Tennessee, California.

/s/Jeffery K. Spellerberg
Jeffery K. Spellerberg